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Situation of human rights in the Islamic Republic of Iran

Note by the Secretary-General**

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report prepared by Maurice Copithorne, Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran, in accordance with Assembly resolution 54/177 of 17 December 1999.

* A/55/150 and Corr.1 and 2.
** In accordance with General Assembly resolution 54/248, sect. C, para. 1, the present report is being submitted on 8 September 2000 so as to include as much updated information as possible.

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Interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran

Summary

The present interim report covers the period 1 January to 15 August 2000.

Those seven months have been tumultuous ones in the Islamic Republic of Iran and human rights have been a dominant feature in most of the issues. From one perspective, it might be said that the Government is paying a high price for the transparency that the Government itself introduced three years ago.

The most dramatic development was the accelerating attack on the press, which by the end of the period under review had led to the suppression of the entire reformist press and the imprisonment of many journalists. At the time of writing, there were reports that some of the press would be allowed to reopen.

The economic situation of the poor and marginalized worsened during the period. On a significant number of occasions, Iranians took to the streets to protest unemployment, inflation and inadequate municipal services, as well as more political issues, such as the freedom of the press, the treatment of students and other detainees and government inaction in general. Paramilitary vigilantes often had a role in the suppression of those demonstrations.

The status of women remained largely unchanged, although there is the prospect that the new Majilis will tackle some of the systemic issues, such as easier access to divorce and the minimum age for marriage.

The promised reform of the judiciary has not got off the ground and there are many indications that it is being hotly debated behind the scenes. Prisons are vastly overcrowded and executions remain suspiciously high. The evidence of the use of torture by law enforcement agencies, usually in illegal detention centres, is becoming a matter of public record.

The murders and disappearances of intellectuals and political dissidents remains unsolved, with increasing pressure on the Government to expedite the prosecution of those concerned and to let the full truth come out.

The status of ethnic and religious minorities remains largely unaddressed. The alienation of some minority ethnic groups by the Government's tacit policy of assimilation continues to grow.

Electoral democracy continues to grow, although major institutional obstacles to the exercise of the plenary powers by the legislature are now coming to the fore.

On balance, the Special Representative considers that certain tangible progress made to date in 2000 has been overshadowed by backsliding in some areas and stagnation in others.

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I. Introduction

1. The first seven months of 2000 have been tumultuous ones in the Islamic Republic of Iran. Human rights have been in the forefront, indeed frequently the core issue involved in events.

2. The most dramatic and far-reaching event was the accelerating attack on the freedom of press, which led to the virtual closing down of the entire reformist press. That event was especially significant because the establishment of a culture of open discussion centring on a free press had been at the heart of the President's declared objective of creating a civil society.

3. A number of economic, social and political conditions underlie many of the recent developments in the country. Their nature is perhaps most dramatically reflected in the surge of efforts by Iranians to migrate. The brain drain is serious. According to press reports, 80 per cent of the Iranian students who have competed in international science Olympiads in the last three years are now studying outside the country. Some 150,000 Iranian doctors and engineers now live in the United States. One government official attributed those developments mostly to the lack of security at the social level and the lack of attention to the most basic rights of those elites. More generally, many foreign embassies in Tehran report a sharp increase in immigration enquiries. The press reports that desperate Iranians are turning up as illegal immigrants in many parts of the world.

4. Many of the social problems in the Islamic Republic of Iran, most of which have human rights dimensions, can be traced to the economic crisis, particularly in terms of rising unemployment and still rampant inflation. The poor and the marginalized are bearing the brunt of a mismanaged economy.

5. The governance structure in Iran is still a major cause of the problems facing society rather than a mechanism for their solution. Wasteful competition between the branches of government and the incoherence and incompetence that characterizes much of the bureaucracy appear to be standing in the way of movement towards a culture of human rights. Personalities and factions have not yet ceded much ground to the rule of law despite earlier promises of comprehensive reform. So much needs to be done and yet so little is being achieved, particularly in addressing the systemic obstacles to progress.

6. Equality rights have seen little progress. Women and minorities remain seriously disadvantaged in law and in practice. Neither the executive nor the legislature have taken leadership roles in addressing the legal as well as the social obstacles, although there are early signs of change on the part of the new Majilis, at least concerning women.

7. In the present report, the Special Representative has attempted once again to capture what he believes to be the high points — and the low ones — in the effort to advance the cause of human rights in the Islamic Republic of Iran.

8. Overall, the Special Representative is reluctantly compelled by the record to state that in his view, such progress as there has been to date in 2000 has been overshadowed by backsliding in some cases and stagnation in others.

9. Finally, the Special Representative wishes to note, as he has done many times in the past, that the Islamic Republic of Iran is a complex, dynamic society. The pace of development, some of it substantive, has accelerated in recent months. The Special Representative believes that the country is changing and will continue to change. Significant improvements in the enjoyment of human rights are certainly not out of question, and indeed that climate might change markedly between the time the present report is being finalized in mid-August 2000 and the time the debate on the human rights situation in the Islamic Republic of Iran gets under way in the Third Committee.

II. Special Representative's activities and sources

10. In seeking to discharge his mandate, the Special Representative has used many sources of information, including the Government of the Islamic Republic of Iran, other Governments, individuals, non-governmental organizations and the Iranian and international media.

11. During the period under review, the Special Representative received written communications from the following non-governmental organizations concerning the Islamic Republic of Iran: Alliance for Defense of Human Rights in Iran; Amnesty International; Baha'i International Community; Committee for Defence of Liberty in Iran; Association

for the Defence of Political Prisoners in Iran; Committee to Protect Journalists; Constitutionalist Movement of Iran; Democratic Party of Iranian Kurdistan; Human Rights Watch; International PEN American Center; International PEN Writers in Prison Committee; Iranian Worker Left Unity; National Council of Resistance of Iran; Organization for Defending Victims of Violence; Reporters sans Frontières; Social Research; and the Society for the Defence of Political Prisoners in Iran.

III. Freedom of expression

A. Media

12. In the period under review, the closing down of the reformist press has perhaps been the biggest story in the Islamic Republic of Iran itself, as well as the most evident mass suppression of a human right. At the time of preparation of the present report, some 22 newspapers and journals have been closed, and at least an equal number of publishers and writers have been convicted, jailed or fined, or served with a summons by one of the various tribunals now exercising jurisdiction over the press. Six months ago, authority over the press was by legislation, in the hands of the press court, although other tribunals, including notably the Revolutionary Courts and the Special Clerical Courts, were claiming an inherent jurisdiction and getting away with it.

13. In March 2000, after the elections for the sixth Majilis, the lame duck fifth Majilis passed press law amendments which gave the various tribunals, including the Press Court, sweeping jurisdiction and extraordinary procedural freedom that did away with even the limited guarantees of fair trial provided for in the old press law. The result is a truly draconian regime that has led to the silencing of the reformist press. In a matter of a few days in late April 2000, 14 journals were closed by order of the judiciary, apparently without hearings. The press court seems to have become simply another control agency dedicated to the suppression of free expression rather than the protection of that right. It now sometimes acts even in the absence of complaints. One journal noted that in principle what people expect is that the accused first be summoned to the court, charged with specific crimes, and defended by a lawyer, and that the court would only then deliver its verdict.

14. In August 2000, the new sixth Majilis made an effort to undo the damage by preparing a number of amendments, but these were taken off the Majilis agenda following an apparently unprecedented intervention by the Supreme Leader. A few Majilis deputies objected, and the chair of the Majilis Culture Commission tendered his resignation, declaring it was his religious duty to defend the Majilis. Extrajudicial groups of demonstrators camped outside the Majilis in an apparent attempt at intimidation, and the state broadcaster, Iran Broadcasting, a noted proponent of the conservative view, came under fire for spreading negative propaganda, which led to a brawl on the floor of the Majilis.

15. There does seem to be a feeling in some quarters that the pendulum may have swung too far, and there is evidence that some of the closed papers will be allowed to reopen. In sum, things may be changing for the better.

B. Student protests

16. In his report to the General Assembly a year ago (see A/54/365, paras. 14-20) the Special Representative reported on the student demonstrations of July 1999 in Tehran and Tabriz. It was clear that extensive human rights violations had taken place at the University of Tehran dormitories in the beatings of students by Iranian security forces and by paramilitaries. Further human rights violations took place in the arrest of students and non-students in the ensuing street demonstrations. In his report to the Commission on Human Rights at its fifty-sixth session (E/CN.4/2000/35), the Special Representative reported on the treatment of the arrested students as well as members of the Iran Nation Party. Many facets of their detention were in clear violation of international standards. Four students were sentenced to death, but their sentences were subsequently commuted to various terms of imprisonment. About two thirds of the 1,500 or so students initially detained seem to have been released. Some of those have now testified to the harsh treatment they received while in detention. One of the students has been convicted of apostasy, about which the Special Representative has made representations to the Government. To the Special Representative's knowledge, there is still no final accounting of all persons arrested in connection with the July 1999 demonstrations.

17. In the case of those arrested in connection with similar demonstrations in Tabriz, 21 persons, of whom 12 were students, were sentenced to jail terms ranging from three months to nine years. Reportedly as a result of the intervention of the Speaker of the Majilis, the implementation of the sentences has been postponed. The Speaker has said that the Majilis will be holding an inquiry into the Tabriz incident.

18. The trial of those who provoked the demonstrations, that is, the instigators of the attack on the University of Tehran dormitories, was much slower in coming. Charges were laid in February 2000 against 20 policemen and senior officers. A detailed account of the conduct of the police and of the yet unnamed and uncharged paramilitaries came out in the trial. The judge found that the incident had taken place on the whole as charged by the students and that 34 of them should be compensated from state funds but he then discharged all but two of the accused. That led to an outcry from the students, who according to the press have launched an appeal. There have now been calls for the Majilis to enact tougher controls on the police in dealing with academic institutions.

19. Meanwhile, the first anniversary of the July 1999 demonstrations prompted demonstrations in Tehran and in Tabriz and the arrest of more students in both cities. In April and again in June 2000, there were arrests of students.

20. A full accounting for the July 1999 raid on the student dormitories, which had been promised by various leaders, remains outstanding. The head of the judiciary repeated that commitment in the days after the verdict in the trial of the police involved in the raid.

21. There is also an accounting to be made to what appear to be the well-founded and widespread allegations of the torture of student detainees and of the absence of a fair trial for those formally charged before the Revolutionary Court (see paras. 53-56 below).

IV. Status of women

22. The situation of women in the Islamic Republic of Iran has not noticeably changed in the period under review. In fact, media attention appears to have significantly diminished, due perhaps in part to the suppression of the reformist press during the period.

23. In the February 2000 Majilis elections, 424 women were candidates. A number of them were reported in the press as calling for action, making such statements as "Our society and women must be freed from cultural and social burdens, such as imposed marriages and inequalities in Islamic laws" and "Until now, women's rights and sensitivities have been derided in the Islamic Republic of Iran and it is now our role and obligation to restore those rights". Nine women were elected, one of whom was subsequently elected to the six-member Majilis Managing Committee.

24. According to press accounts, in July 2000 Tehran City Council received a report declaring that prostitution and drug abuse were widespread among the youth of Tehran. The average age of prostitutes had fallen from 27 to 20 a few years ago. Some 90 per cent of the girls who ran away from home fell into prostitution. The principal cause of prostitution was said to be economic hardship and social alienation.

25. There continue to be calls for more attention to the condition of women through, for example, the election of women to one third of the Majilis seats and the creation of special institutions as distinct from advisory boards to promote women's affairs. Frequent mention is made of the access that women now have to education up to the highest level. Less frequently, mention is made of the fact that many women cannot find employment, usually due to patriarchal attitudes in the family and workplace. Women currently make up just 14 per cent of the workforce.

26. During the period under review, the first woman was appointed as the governor of a district; a *fatwa* was issued authorizing women to lead members of the same sex in prayers.

27. Attention is beginning to be paid in the Islamic Republic of Iran to the deleterious effect of the *chador*. It was recently targeted by the President of a Women's University as the cause of increasing osteoporosis among women.

28. In January and again in February 2000, there were large demonstrations by students of the pilot programme, women-only Fatimeh Medical University, demanding the dismissal of the Chancellor and the Board and an improvement in academic standards.

29. Situations sometimes come to the attention of the Special Representative which, despite their probable

infrequency, do in his view call out for urgent action by the Government, such as a recent story in *Resalat* on 4 July 2000 reporting the statement by an adviser to the Ministry of Health that consent for medical treatment given by a single mother, even for emergency surgery, does not meet the requirements of Iranian law. Reportedly, 15 per cent of Iranian households are now headed by a mother as a single parent. The Special Representative urges the Government to respond to this situation promptly in order to head off any denials of access to health care.

30. On the topic of violence against women, the *Human Development Report of Iran, 1999*, declares that an age-old culture of male domination, coercion and violence against women, generally regarded as chastisement, is mostly taken for granted by society. The existence of discriminatory laws and the ambiguity of other laws compound that attitude and make women vulnerable to violence, particularly domestic violence. It should therefore come as no surprise that apart from a few measures applied in extreme cases and some reasonably effective programmes designed to identify the cultural, social and legal roots of violence against women, no notable action has been taken to change prevailing attitudes or reform the pertinent laws and regulations.

31. That reform of some of the most egregious examples of discrimination is politically conceivable came in mid-August 2000, when the Majilis voted by more than a two-thirds majority to consider a bill that, in the absence of a court order, would likely raise the age of marriage to 14 for girls and 17 for boys. According to the press, in May 2000 an adviser on women's affairs had said that there were 52,000 married girl students between the ages of 10 and 14 and 617,000 between 15 and 19. According to the same report, most married girls drop out of school early in their marriage.

V. Legal subjects

A. Reform of the judicial system

32. In his report to the Commission on Human Rights (see E/CN.4/2000/35, para. 37), the Special Representative noted the candid comments of the new head of the judiciary, Ayatollah Shahroudi, on the condition of the Iranian judicial system. His call for reform seemed to be widely welcomed. That theme has been reiterated on a number of occasions in the period under review. However, there have been few concrete proposals for substantive change.

33. In June 2000, Ayatollah Shahroudi was quoted as saying that judicial development does not mean accepting models and findings of judicial systems in the world today that are labelled as human rights. At the end of July 2000, he declared that the judiciary system needed to address poverty, discrimination and corruption in the country.

34. One of the problems faced by the Iranian judicial system in recent years has been the negative consequences of a merging of the procuracy into the judiciary. It was announced in June 2000 that a separate procuracy would be re-established as of March 2001. At a meeting in June 2000 of the Tehran Justice Department, the head of the Department reportedly called for a new criminal code covering all aspects of the criminal law system. After that, the structure of public and revolutionary courts would have to be revisited.

35. There remain shadows over the process of reform, one of them being the role of extrajudicial groups. In December 1999, Ayatollah Shahroudi was quoted in the Iranian press as declaring that the Basiji had legal authority to prevent crimes and preserve the security of the country. Such a legitimation of a group that has been in the forefront of the violent suppression of peaceful public demonstrations can only run counter to the evolution of the rule of law. Sooner or later, in the name of civil society the Islamic Republic of Iran will have to address the proliferation of tribunals and law enforcement agencies that often compete in zealotry and provide a labyrinth for private citizens to traverse in their daily lives. The Government at least is aware of the problem. The Minister of the Interior said recently that no one has the right to hold a demonstration without a permit, even in support of religion or religious beliefs.

36. The Special Representative wishes to recall General Assembly resolution 54/163 on human rights in the administration of justice, in which the Assembly urges a number of relevant measures upon Governments.

B. Rules of fair trial and related matters

37. In his report to the Commission on Human Rights (see E/CN.4/2000/35, paras. 34 and 35) the Special Representative set out his understanding of the elements of a fair trial. By all accounts, these rules continue to be ignored by the judiciary in the Islamic Republic of Iran.

38. One of the prominent cases that came to light during the period under review was the treatment by the courts of the students and others arrested in connection with the demonstration of 5 July 1999. Quite apart from their treatment in pre-trial detention, they were tried in a closed court without benefit of counsel.

39. The trial of Jews and Muslims in Shiraz came to a head in the period under review, with the conviction of 12 persons, who received sentences from 2 to 13 years, and the acquittal of 5 others. There were some extraordinary twists in this prolonged and agonizing process for the Jewish accused and their families. It is quite clear that despite the statements of Iranian representatives to the contrary and indeed the lively defence mounted by one of the defence counsel parties, those trials were in no way fair. A fuller description of the deficiencies is set out in annex I.

40. There was also the case of the police general sentenced to eight months in jail for misconduct in the treatment of the arrested Tehran mayor and deputy mayors several years ago. The convicted general has at last report not yet seen the inside of a jail even though the findings of the military court were upheld on appeal.

41. Illegal detentions and persons simply gone missing in the justice system have begun to attract public attention. The Islamic Human Rights Commission is now publicizing its so far unsuccessful efforts to trace such persons.

42. In a freedom of the press case reported in the press in June 2000, a newspaper was suspended prior to a court hearing on the grounds that publishing the objections of two detained journalists about the food and hygiene conditions in jail, even though it was followed by the printing of a denial by officials, was a basis for closing down the newspaper for disparaging Islam and the religious elements of the Islamic revolution.

C. Independent Bar Association

43. Not much has been heard from the Independent Bar Association (IBA) in the period under review despite the turmoil regarding freedom of press and the conduct of the courts, particularly with regard to the rights of fair trial.

44. The Special Representative notes that the Union of Iranian Journalists met with the Speaker of the Majilis to express its concern about the treatment of journalists by the courts, and he wonders why IBA apparently did not take similar action over the detention of three of its members, Mehrangiz Kar, Shirin Ebadi and Mohsen Rohami. The detention of lawyers, even for a limited period, is clearly an act of intimidation towards both the lawyers concerned and the bar as a whole. The Special Representative recalls that several years ago, after its first Council election, IBA expressed itself clearly and publicly on the matter of law reform, and wonders why it has been apparently silent on the important current issue of the detention of lawyers.

45. The Special Representative has recently had brought to his attention an extract from an issue of the *Official Journal of the Islamic Republic of Iran* (No. 15985 of 26 November 1998), which records Majilis approval of a provision giving the judiciary the power to confirm the competency of law graduates to receive a license as a lawyer. As the bar cannot be beholden to the judiciary, that provision clearly offends international standards for the independence of the bar, as well as the reputation of the 90-year-old Iranian institution.

46. Finally, the Special Representative notes Commission on Human Rights resolution 2000/42, in which the Commission noted the various international instruments relevant to the independence of the bar.

D. Prisons

47. The Iranian prison system is under severe strain. According to press reports of statements in the period under review by the Director General and Deputy Director General of the Prisons Organization, as well as a former Deputy Prosecutor General, some 185,000 persons are currently in jail, perhaps two thirds of them for drug-related offences, and prison camps are being opened at the rate of five a year. In July 2000, an

Iranian newspaper was reported as saying that a prison population of 2.5 per 1,000 was a catastrophe for a society which is dedicated to its values.

48. The Special Representative notes that apart from building new prisons, the only other measure is to reduce the intake of prisoners. One move to that end is impending legislation to place women and children on probation rather than having them serve time in jail.

E. Executions

49. Executions continued at a reportedly high rate in the period under review. According to information received by the Special Representative based on press reports, some 130 executions occurred from January to the end of July 2000, including the execution of a woman in front of her two children. Eleven executions were held in public. In three other cases, individuals sentenced to death were pardoned from execution by the family of the victim at the execution site. The Special Representative finds it hopeful that in March 2000, a Ministry of Justice spokesman was quoted as saying that some of the hangings envisaged in Iranian laws were not necessary from a religious point of view and the system could replace them with other sentences.

50. The Special Representative notes that a public debate about the death penalty got under way in 1999 before strong official opposition extinguished it. In August 2000, the Supreme Court confirmed the sentence of three and a half years in prison for the editor-in-chief who had published the story that had set off the debate. He was convicted of "hurting Islam".

51. The Special Representative notes that the Commission on Human Rights has regularly called upon States in which the death penalty has not been abolished to comply with their obligations in this regard under the International Covenant on Civil and Political Rights, and to keep in mind the safeguards and guarantees set out in certain Commission on Human Rights resolutions, such as Commission resolution 2000/31.

52. The Special Representative wishes to reiterate that the statistics mentioned above are drawn from press accounts, with all the margin of error that implies. He calls upon the Government once again to make official figures publicly available.

F. Torture and other cruel, inhuman or degrading treatment or punishment

Torture

53. That torture continues in the Islamic Republic of Iran — and in its most primitive form — was confirmed in the period under review by the personal testimony of students and others arrested in the aftermath of the July 1999 demonstrations and subsequently released or on the basis of letters from convicted students apparently smuggled out of prison, some of which have been published in the Iranian press. They make shocking reading. The Special Representative has sent to the Government the details of some of the allegations, with a request for comments. The allegations focus mostly on treatment in Towheed prison, an institution reportedly belonging to the so-called Joint Committee Against Subversion, that is to say, it is outside the official prisons organization. There have been calls for the head of the judiciary to address seriously the issue of torture, particularly in such institutions of doubtful legitimacy as Towheed. One of the officials of the prison, when questioned, reportedly told a prisoner that torture was carried out in the prison on the verdict of the judge and the court, and was therefore legal.

54. It has now been several years since it began to be acknowledged that torture did exist in the Islamic Republic of Iran, notwithstanding article 38 of the Constitution. In 1999, what is believed to have been the first indictment for torture was brought against a police general and 10 colleagues. All were acquitted of torture but convicted of mistreatment of prisoners.

55. No information has come to the Special Representative's attention suggesting the Government is as yet addressing this blight on the international reputation of the country and the Government. The Special Representative notes Commission on Human Rights resolution 2000/43 on the subject of torture; in which, among many provisions, the Commission calls upon all Governments to implement fully the prohibition of torture, to address the need for investigation and documentation as set out in the principles annexed to the resolution, and to address the issue of impunity for those responsible.

56. The Special Representative urges the Government to comply in full with the above-mentioned Commission resolution.

Stoning and amputation

57. Stoning, surely a barbaric punishment, appears finally to be declining in the Islamic Republic of Iran. Only one such sentence came to the attention of the Special Representative in the period under review and that was apparently overturned on review. In March 2000, the press quoted the Ministry of Justice spokesperson as stating that stoning may not be in the country's interest, and that the head of the judiciary believes that it should avoid acts which could insult and taint the country's image.

58. Amputations appear to continue unabated.

VI. Murders and disappearances of intellectuals and political dissidents

59. One of several issues that appears to have severely damaged confidence in public security and in the Government as well has been the string of murders and disappearances of intellectuals and dissident political figures during about three months in late 1998 and early 1999, which became known as the chain or serial murders, the implication being that they were all related. By some reports, the chain stretches much further back, as an explanation of earlier suspicious events, such as the murder of three Christian clergy in 1994. Some suggest that it also covers mysterious deaths and incidents that have occurred since early 1999, including most recently the murder of the doctor known as the father of vasectomy in the Islamic Republic of Iran.

60. The central very tragic cases in this matter, the murders of Daryoush and Parvaneh Forouhar, were discussed in the Special Representative's last report to the General Assembly (see A/54/365, paras. 39-43). By all accounts, their memory remains very much alive for many Iranians inside and out of the country.

61. The investigation of these cases has been appallingly slow. At one time, 10 persons were arrested, 9 of whom were subsequently released on bail. It seems that the cases have not been pursued. The sixth Majilis has set up its own Commission to look into the murders. Another investigation is under way, reportedly under the direct management of the President and the head of the judiciary. Since the Special Representative's last report on the subject, some fairly certain details as well as much speculation has been placed in public debate. Yet, some 20 months after these horrendous acts took place, no clear progress has been made in bringing the perpetrators or their masterminds to justice.

62. In March 2000, Saeed Hajjarian, a newspaper editor, adviser to the President and Tehran City Councillor, escaped an assassination attempt that was subsequently linked to other recent murders. In May 2000, a revolutionary court sentenced the man alleged to have shot Hajjarian to 15 years and his accomplices to shorter sentences. This event was accompanied by more allegations of torture, and complaints concerning the court's successful efforts to prevent public exposure of the masterminds.

VII. Status of minorities

A. Kurds

63. Iranian Kurds have traditionally lived in the north-west of the country. They define "Kurdistan" as including all or parts of the provinces of Kermanshah, Iyllam, West Azerberijan and Kurdistan proper. The Kurdish population in this area is said to be in the order of eight million, with perhaps another two million in other provinces, such as Khorasan, where Kurds had been forcibly resettled in earlier centuries.

64. The Kurdish language is an autonomous language of the Indo-European group. The vast majority of the Kurds are Muslims, about 75 per cent Sunni and 25 per cent Shiite.

65. There has been a long history of tension between the Iranian Kurds and Tehran. Relations since the Islamic Revolution have been marked by one short period of unsuccessful negotiations in 1979-1980. Scholars lay blame for the failure on both sides. They note the areas of mixed ethnicity that the Kurds included in their claim, as well as the fact that there was a reference to the various ethnic minorities in the draft constitution, and that there was subsequently a proposal for a clause protecting Sunni religious practices.

66. Following the breakdown of negotiations, prolonged periods of violence ensued both in the Islamic Republic of Iran and abroad. Guerrilla warfare has continued in spurts, with civilian Kurds suffering the most in terms of direct casualties as well as

economic dislocation. While military action in Kurdistan appears to be at a low ebb at present, violence continues on the part of both the law enforcement agencies and armed Kurdish activists.

67. Iranian Kurdistan is by all accounts a fertile area and should be prosperous. In fact, according to the *Human Development Report of Iran, 1999*, the four provinces mentioned rank in the lower half of the provincial scale by the human development index; two of them, West Azerbaijan and Kurdistan, being among the very lowest. This now seems to be recognized by the Government. In the course of a recent visit to Kurdistan, the President referred to widespread poverty and unemployment, and declared that more funds would be made available for development in the area. The Special Representative has been informed that the primary demand of the Kurdish people is to be recognized as Kurds, which implies full recognition of their cultural rights, including the registration of Kurdish names. A major complaint is over the obstacles in the way of Sunni places of worship.

B. Azeris

68. While reliable demographic statistics are hard to come by in the Islamic Republic of Iran, it seems that the Azeris are the largest minority in the country, with estimates of their numbers reaching as high as 25 per cent of the 60 million total population. The Azeri language belongs to the Turkic language group and is thus unrelated to Farsi. In the Islamic Republic of Iran, the Azeris have traditionally lived in the north-west, where in many places they mixed with Kurds and Armenians. That relationship would seem to have been traditionally tempestuous. Today, Azeris are also found in most other parts of the Islamic Republic of Iran, with reportedly as many as a million in Tehran. Many Azeris have been absorbed into mainstream Persian society. The Azeris are principally Shiite. The Qajar dynasty of Iran was of Azeri stock, as indeed are reportedly many of today's Iranian elites.

69. For some time, there has been a demand by some Azeris for greater cultural autonomy. They speak of a national and cultural identity. The principal complaint against Tehran is that Azeris have been denied cultural recognition, in particular the exercise of basic cultural rights as set out in article 26 of the International Covenant on Civil and Political Rights.

70. The arrest of Mahmudali Chehregani, a lecturer at the University of Tabriz and a prominent Azeri activist, has drawn attention to the Azeri cause. Dr. Chehregani has previously demanded for the community the cultural autonomy rights provided for in article 15 of the Constitution. He had been elected to the fifth Majilis but had been disqualified, reportedly because of his campaign for the exercise of cultural rights by the Azeris. Following a large demonstration in April 1996, during which 600 persons were reportedly detained, Dr. Chehregani and some followers were arrested. It is alleged that Dr. Chehregani's subsequent arrest in December 1999 was to prevent him from being nominated for the sixth Majilis. The Special Representative has made enquiries of the Government in this matter.

C. Religious minorities: Sunnis and Baha'is

Sunnis

71. The Special Representative has written in the past of the sense of injustice felt by many Sunnis in the Islamic Republic of Iran over treatment they view as discriminatory. One of the principle complaints has been the official and unofficial obstacles put in the way of building or rebuilding Sunni mosques. The example most often raised is Tehran itself, where a reported one million Sunnis have no mosque of their own. This matter was raised in the Majilis in June 1999; there is no information as to what if any reply was made by the Government. The Special Representative has also received several complaints about transmigration policies carried out with the acquiescence of the Government, under which large number of Shiites are settled in predominantly Sunni areas of the country with the apparent objective of reducing the ethnic Sunnis to a minority in their homelands.

Baha'is

72. The concern about the human rights situation of the Baha'is remains on the agenda of the Special Representative, with reports on situations of discrimination and persecution. The Baha'i community continues to experience discrimination in areas of, inter alia, education, employment, travel, housing and the enjoyment of cultural activities.

73. Eleven Baha'is are imprisoned in the Islamic Republic of Iran, four of whom are subject to the death sentence (see annex II). The Special Representative received a letter dated 25 February 2000 from the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva, stating that the spokesmen of the judiciary had denied confirmation of the death sentences against Hidayat Kashifi Najafabadi and Sirus Dhabihi-Muqaddam. The Special Representative has received conflicting information as to the current status of this matter.

74. Acts of intimidation carried out in order to prevent Baha'is from participating in religious gatherings or educational activities have also been reported. According to information reaching the Special Representative, there seems to have been an increase in the number of short-term arrests and "suspended sentences", to be applied only if the accused participate again in those gatherings.

75. A welcome development was the elimination of questions regarding the religion of spouses at the time of the registration of a marriage. According to information submitted by the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva, the Registration Department has issued a circular in this regard. This opens up the possibility of registering Baha'i marriages, a development which will have positive implications for the rights of Baha'i women and children, who have until now been exposed to charges of prostitution and denied the right to inherit. There is now the prospect that university entrance will be the next sector in which religious discrimination of this nature will be removed.

76. The Special Representative wishes to reiterate his appeal to the Government of the Islamic Republic to implement his outstanding recommendations (see A/53/423, para. 45) as well as those of the Special Rapporteur on religious intolerance (see E/CN.4/1996/95/Add.2).

D. Minorities policy

77. The basic international statement of the rights of a minority is contained in article 27 of the International Covenant on Civil and Political Rights, which establishes the rights of ethnic, religious linguistic minorities to enjoy their own culture, to profess and practice their own religion or to use their own language (for a discussion of the term "minority", see E/CN.4/1998/59, paras. 32-35). In addition, in its general comments on the guarantee of equality in article 26 of the Covenant, the Human Rights Committee has stated that in a State in which the general conditions of a certain part of the population prevent or impair their enjoyment of human rights, that State should take specific action to correct those conditions. Thus, a State is enjoined to protect certain rights and to assist disadvantaged groups in certain circumstances. A proactive policy is clearly required to discharge those international responsibilities. In the same context, certain international best practices are emerging, such as the creation of an ombudsman to monitor the protection of minority rights (for a more detailed discussion of international and Iranian norms, see E/CN.4/1999/32, annex II).

78. In the Special Representative's view, the articulation of a minorities policy in the Islamic Republic of Iran is long overdue. Without going over the uneasy and sometimes violent relationships that most minorities have had with the central Government dating from the nineteenth century, it is self-evident today that certain minorities are among the poorest and most disadvantaged peoples in the country. It is also clear that most minorities are not enjoying the rights set out in article 27 of the International Covenant on Civil and Political Rights. The history of such treatment can perhaps be partly attributed to strategic circumstances but that cannot today stand as a justification for disregarding the rights clearly articulated in article 27 of the Covenant, as well as indeed to a limited extent in the Iranian Constitution itself.

79. There is talk in the Islamic Republic of Iran today of the rights of citizenship. It was following a decision of the Expediency Council to endorse such a concept that the Registration Department abolished the requirement for the declaration on religion on application to register a marriage. The concept was described in a letter from the Permanent Mission of the Islamic Republic of Iran to the United Nations as applying "especially" to people whose religions are not among the religions recognized by the Constitution. This would, therefore, seem to apply primarily to the Baha'is. As a concept however, the rights of citizenship should be equally applicable to groups seeking to benefit from provisions of the Constitution, such as

article 15 on the right to the use of regional and tribal languages.

VIII. Other important matters

A. Economic, social and cultural rights

Economic conditions of workers

80. A number of conditions, particularly those affecting workers, have grown sharply worse recently. The combination of stagnation in some industrial sectors, the continuing rise in inflation and the growing unemployment rate have all aggravated the condition of workers. According to a press report, a senior official of the Health Ministry stated that 12 million persons now live below the poverty line and 20 per cent of the population controls 80 per cent of the wealth, and that by the end of 2010 another 15 million persons will have migrated from the countryside to the cities.

81. A senior official in the Labour Ministry informed the press in July 2000 that 720,000 workers are entering the job market annually, 2,800,000 are currently looking for work and the current unemployment rate is 16.2 per cent. In the first two months of 2000, only 20,000 of the required 80,000 new jobs were generated.

82. Research brought to the attention of the Special Representative records 244 cases of labour unrest in the period May 1999 to April 2000; 46 per cent of those cases were protests about unpaid wages, in some cases for as long as 24 months, while the second most frequent reason for labour unrest was concern for job security. It is reported that over 400 factories have been closed in recent years and that the textile sector alone is facing the loss of 500,000 jobs, the result primarily of the lack of reinvestment in an ageing industry.

83. Certain government measures are said to be aggravating the suffering of workers, including changes in eligibility for assistance by the social service organization and hotly debated legislation now in effect which exempts from the application of the Labour Act all workshops and businesses with five employees or less. The prospect of this legislation being adopted was the subject of widespread worker demonstrations over the past 18 months and was opposed by the Ministry of Labour. It is said to affect 2.8 million workers.

84. The deteriorating situation of Iranian workers is receiving growing recognition in the Iranian press and elsewhere. The *Human Development Report of Iran, 1999*, discusses the conditions, including government policies, that have led to the rising rate of unemployment. It calls for policies to prevent further deterioration in people's living standards. However, nothing has come to the attention of the Special Representative suggesting that the Government itself attaches priority to tackling the conditions of workers other than the urgent attention that is being called for by all sides to address the economic problems facing the country. The human rights of workers are at stake.

Social conditions

85. The period under review has been marked by significant social unrest. In June 2000, the press carried a report that some 4,000 women burned tyres and blocked a road in Islamshahr to protest poor living conditions, including lack of water, gas and electricity. In early July 2000, there were press reports of violent demonstrations in Abadan, objecting to the salinity of local drinking water. The Special Representative has received reports of rallies that occasionally turned violent in 10 or 12 other cities. In early July 2000, in connection with student rallies to mark the July 1999 student demonstrations, a gathering that the press reported consisted of out-of-work youth, women and old men swelled to an angry mob of several thousand who clashed with police and Islamic vigilantes in several locations in Tehran.

Development and human rights

86. In the Islamic Republic of Iran, the areas of highest development are in general located in the central regions of the country. Those with the lowest tend to be towards the frontiers of the country, where the minority peoples, that is non-Persians, traditionally and to a significant degree still live. According to the *Human Development Report of Iran, 1999*, the three provinces at the bottom of the human development index are Kohgilooye and Boyer-Ahmad, Kurdestan, and Sistan and Baluchistan, three provinces with a high percentage of minority peoples. It should not be surprising that according to the same source, these three provinces rank at or near the bottom in terms of adult literacy, life expectancy, infant mortality,

education, consumption expenditure, the gender empowerment index and the human poverty index. The correlation between underdevelopment and minority peoples is clearly recognized by economic planners but the Special Representative is not persuaded that the Government as a whole understands the importance of the problem and its connection with the enjoyment of human rights.

B. Democracy

87. The Special Representative is mindful of the fact that "democracy" is a term that is difficult to define in normative terms. Certainly it includes free and fair elections. A useful statement of what constitutes free and fair elections is the Declaration on the subject by the Inter-Parliamentary Council dated 26 March 1994.

88. The elections for the sixth Majilis were held in February 2000. The nomination process was marred by a sharp exchange between the Interior Ministry on the one hand and the Guardian Council on the other as to the role of the Council in the vetting of candidates. The Council disqualified over 600 candidates, most without explanation. The widely held view was that many candidates were disqualified because they were viewed as reformists, including all 12 members of the Freedom Party, an unregistered but tolerated political grouping that has been trying for years without success to be accepted as a recognized player in the political process.

89. Statements and estimates of the voter turnover ranged from 57 per cent to 83 per cent. The press carried a number of stories about voting irregularities.

90. The Iran Nation Party, another unregistered political grouping and the inheritor of the mantel of Mohammed Musaddiq as well as the political home of the murdered Daryoush Forouhar, suffered severely during the period under review — three of their leaders, Bahram Namazi, Khosrow Sayef and Farzin Mokhber, were sentenced to 13 to 15 years in prison for "promoting anti-regime propaganda" and "activities against the internal security of the Islamic Republic". The charges had arisen out of the participation of the accused in the second phase of the student demonstration in July 1999.

91. The Guardian Council's subsequent action of annulling the results in a number of electoral divisions without presenting evidence to support their action was sharply condemned by some officials. According to the press, the winners in two of those divisions were pro-reform Sunni personalities. The same response greeted the Council's action in ordering a recount in a number of constituencies, particularly Tehran itself, despite the fact that the Interior Ministry, which has legislated responsibility for the supervision of elections, had found no reason to do so.

92. The new Majilis convened in late May 2000, but much of its time up to early August 2000 was taken up with procedural matters. In June 2000, the major groupings among those members generally described as reformists declared their legislative priorities to be the reform of the press and electoral laws, the enactment of authority for the creation of private radio and television stations, and the enactment of a guarantee that those charged with political offences would have the right to trial by jury. Meanwhile, the view began to be heard, mainly from conservative quarters, that the Majilis should concentrate on economic issues, including inflation and unemployment. In late July 2000, a controversy broke out between the Majilis and the judiciary as to their respective authority to carry out investigations. The insistence of the judiciary on its exclusive jurisdiction over a recent incident provoked charges that the exercise of rights of the Majilis, as set out in the Constitution, was being impeded by the non-cooperation of the judiciary reflecting the sensitivity of the system to the activism of the new Majilis in trying to investigate the complaints it is receiving from many quarters.

93. At the end of July 2000, the President was reported by the press as declaring that the Islamic Republic of Iran accepts democracy in principle but that it must be based on a respect for the values and goals of Islam. The following day, a leading reform member of the Majilis was quoted in the press as declaring that in the Islamic Republic of Iran, being a majority does not necessarily bring power. A week later, the Supreme Leader, in what was described as an unprecedented move, declared that the press reform legislation being finalized by the Majilis was not to proceed.

94. In the Special Representative's view, it is clear that while the February election of the sixth Majilis had certain flaws, it was nevertheless another important step on the road to accountable democratic governance. Since then and despite efforts to confine the agenda of the Majilis to economic matters and most importantly

the intervention of the Supreme Leader to block the press reform bill in the Majilis, that body has taken a significant step in re-establishing its own human rights committee and is pressing ahead with several important legislative initiatives to improve the human rights situation in several key areas.

C. Guardian Council

95. On the occasion of the twentieth anniversary of the Guardian Council in July 2000, the Supreme Leader met the members of the Council, and in a public statement emphasized the importance of the Council in protecting the form and conduct of the Islamic system through checking conformity of laws with Islam and the Constitution. He stated that the Council had the duty to prevent the infiltration of impure elements into the pillars of the system.

96. The Special Representative sees many difficulties with the actual operation of the Council. One is its trespass into the election process, where its refusal to approve certain candidates and its annulling of the results in certain electoral divisions is widely viewed as an attempt to block the election of persons holding certain political views, including a number usually described as reformist as well as members of the Freedom Party. The Council's refusal or reluctance to issue clear, legally based reasons for such action has provided significant credibility to the charges brought against it.

97. A second problem as seen by the Special Representative is that some of the members are noted for the intolerant attitudes they occasionally express. One member of the Council is in effective control of an extrajudicial organization, Ansar-i-Hezbollah, noted for its involvement in a wide variety of violent, terrorist-like activities against student and other elements in Iranian society, who are seen by this self-appointed band as threats to the nation's virtue. The same person was quoted in the press in early August 2000 as saying that Islam could not be saved with liberation and tolerance, and declaring that the closure of the newspapers was the best thing the judiciary had done since the revolution.

98. In short, without calling for the disbandment of the Council as it operates at present, the Special Representative believes it to be a major obstacle to the further development of democracy in the Islamic Republic of Iran.

D. Islamic Human Rights Commission

99. Little information about the work of the Islamic Human Rights Commission has come to the attention of the Special Representative in the period under review. However, in an important interview with the press at the beginning of April 2000, the Secretary of the Commission said it had now been confirmed that illegal detention centres continued to exist in the Islamic Republic of Iran. In addition, the Commission is reportedly trying to investigate illegal detentions and persons gone missing in the justice system (see para. 41 above).

100. Internationally, there have been important developments. The research-oriented International Council on Human Rights Policy has recently published a report incorporating several case studies of national human rights institutions and the conclusions to be drawn from them. Among the most important are the need to acquire social legitimacy, the need to become proactive and programme-oriented rather than strictly complaints-led, and the need to emphasize accessibility not only in the widespread location of offices but also in simplified procedures and the offering of services in minority languages. The report contains a number of detailed recommendations, all of which would seem to be relevant to the Commission. They provide an excellent series of targets for the Commission.

101. Finally, the Special Representative notes Commission on Human Rights resolution 2000/76, in which among other things the Commission reaffirms the importance of developing national institutions that are in conformity with the relevant principles adopted by the General Assembly in 1993.

IX. Correspondence with the Government of the Islamic Republic of Iran

102. For correspondence between the Special Representative and the Government of the Islamic Republic of Iran, please see annex III.

X. Conclusions

103. The period under review has been disastrous for the freedom of the press, a freedom that developed in large part to facilitate the implementation of government accountability. This freedom is an integral component of a civil society. The Special Representative urges the three branches of the Iranian Government to work together to accomplish this vital goal.

104. The student demonstrations of July 1999 were a signal event in the life of the Islamic Republic of Iran. It should have been an occasion to celebrate the exercise in freedom of expression. The judiciary moved quickly against the student leaders, but apart from an unsatisfactory trial against certain police officers has apparently done nothing to bring the extrajudicial vigilantes to justice. In Tabriz as well, students have paid a heavy price for exercising their right of expression. The Special Representative calls on the Government to accelerate its efforts to bring the provocateurs in both cases to trial.

105. The major systemic impediments to the full enjoyment by women of their human rights have not yet been addressed. The Special Representative calls on the Government to do so.

106. The legal system requires urgent attention. To begin with, the Special Representative calls on the judiciary to accelerate the introduction of the reform programme that was promised a year ago when the head of the judiciary took office. The Independent Bar Association has failed to meet the expectations that were held out for it when its first elected council came into office. IBA is not yet living up to its name or the international guidelines for bar associations. The Special Representative urges the Government, perhaps the Majilis, to study the re-establishment of the Bar Association to meet the commitments of the President to the rule of law, in particular to a truly independent bar.

107. The number of executions continues to be high. The Special Representative urges the Government to comply with existing international standards in this respect.

108. It is now generally and publicly acknowledged that torture exists in the Islamic Republic of Iran and that it is certainly not an isolated phenomenon. The Special Representative urges the Government as a whole to commit itself to uphold the ban on torture that appears in the Constitution of the Islamic Republic of Iran and the various international norms in that regard.

109. The murders and disappearances of intellectuals and dissident politicians seem no nearer to being solved, which has given credibility to the widely held view that an open enquiry or trial would lead to persons in high places. The Special Representative calls on the Government of the Islamic Republic of Iran, in the fulfilment of the commitment to the protection of human rights as well as its specific undertaking in the case, to prosecute as soon as possible those concerned, in open court and without concern as to where the evidence may lead.

110. The rights of minorities, both ethnic and religious, remain another area largely neglected by the Government. The Special Representative urges the Government to:

(a) Address the concerns of the Sunnis with regard to the building and/or refurbishment of dedicated Sunni mosques;

(b) Address the concerns of the Baha'is and certain Christian groups with new confidence-building measures, following upon the recent relaxation of marriage registration requirements, so as to fully and expeditiously implement the "rights of citizenship" policy approved by the Expediency Council;

(c) Extend to all religious and ethnic minority groups the cultural rights articulated in the Constitution.

111. With regard to the fuller enjoyment of civil and political rights as well as economic, social and cultural rights, the Special Representative believes it imperative that the Government address the socio-economic problems that are causing so much distress to the poor and the disadvantaged.

112. The Islamic Republic of Iran continues to make progress towards democracy, but sooner or later the arbitrary, untransparent and perhaps even capricious conduct of the Guardian Council must be addressed. As it stands now, it is an obstacle to making the Government of the Islamic Republic of Iran more accountable to the Iranian people.

113. Finally, the Special Representative notes with regret that he continues to be unable to visit the Islamic Republic of Iran. He calls on the Government to return to full cooperation with the Commission on Human Rights in this regard.

Annex I

Denial of fair trial and related rights

Case of Iranian Jews and Moslems in Shiraz

A. Arbitrary arrest and extended detention without charge

In violation of:

1. Iranian laws:
   - Article 32 of the Constitution;
   - Article 32 of the Procedure of the Public and Revolutionary Costs in Criminal Affairs (1999) (Criminal Procedure Code);
   - Article 33 of the Criminal Procedure Code.
2. International norms:
   - Article 9 of the Universal Declaration of Human Rights;
   - Article 9.1 of the International Covenant on Civil and Political Rights.

Accused held for nine months without judicial arrest order or temporary detention orders. Thereafter, by temporary detention orders but apparently not in accordance with law.

B. Indictment: failure to specify charges under law

In violation of:

1. Iranian laws:
   - Article 32 of the Iranian Constitution;
   - Article 132 of the Criminal Procedure Code.
2. International norms:
   - Article 92 of the International Covenant on Civil and Political Rights.

Up to the date of judgement, no indictment known to the Penal Code of the Islamic Republic of Iran was made.

C. Extra-legal confession

In violation of:

1. Iranian laws:
   - Article 30 of the Constitution;
   - Article 129 of the Criminal Procedure Code.

2. International norms:

- Article 14 (3) of the International Convention Civil and Political Rights.

The accused were obliged to testify against themselves without free access to lawyers or family members.

D. Right to counsel of choice and to presence of counsel

In violation of:

1. Iranian law:

- Article 35 of the Constitution;
- Article 128 of the Criminal Procedure Code.

2. International norms:

- Article 14 (3) of the International Covenant on Civil and Political Rights.

Accused allowed to appoint counsel only after one year in detention, and even then only the four "friendly" lawyers assigned by the Court.

Accused denied right to have lawyers present during meeting with judge, prosecutors and media.

Annex II

Information on the Situation of the Baha'is

The following is based on information received by the Special Representative.

1. Of the three Baha'is arrested in Isfahan for their involvement with the Baha'i Institute of Higher Education and who received verdicts on 16 March 1999, only Ziaullah Mizapanah is still under house arrest. Sina Hakiman, Farrad Khajeh and Habibullah Ferdosian have been released.

2. Manuchehr Khulusi, a resident of Khurasan who was reportedly arrested on 9 June 1999 and transferred to Mashhad with no clear indication as to the charges brought against him, has also been released. The status of the verdict against him, however, is unclear.

3. Baha'is remaining in Iranian prisons include Bihnam Mithaqui and Kayvan Khalajabadi, arrested on 29 April 1989 for "Zionist Baha'i activities" and sentenced to death; Musa Talibi, arrested on 7 June 1994, charged with apostasy and sentenced to death but now being processed for commutation of sentence; Dhabihu'llah Maharami, arrested on 6 September 1995, charged with apostasy and sentenced to life, following commutation from a death sentence by the Supreme Leader; Mansur Haddadan, arrested on 29 February 1996, charged with holding a children's art exposition and sentenced to three years in prison; Sirus Dhabihi-Muquaddam, Hidayat Kashifi Najafabadih and Ata'u'llah Hamid Nasirizadih, arrested in October/November 1997, charged with continuing "family life" meetings and sentenced to death in the case of the first two and to 10-year imprisonment in the case of the third; Sonia Ahmadi and Manuchechr Ziyai, arrested on 1 May 1998, charged with holding meetings for youth and sentenced to three years' imprisonment.

Annex III

Correspondence between the Special Representative and the Government of the Islamic Republic of Iran, 1 January-1 July 2000

1. On 18 February 2000, the Special Representative addressed a letter to the Minister for Foreign Affairs requesting information on the cases of Hidayat Kashifi Najafabadi and Sirus Dhabihi-Muqaddam, reportedly arrested for their Baha'i activities and whose death sentences had allegedly been confirmed. The Special Representative received a letter dated 25 February 2000 from the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva, stating that the spokesmen of the judiciary had denied confirmation of the death sentences. By another letter dated 27 March 2000, the Permanent Representative further informed the Special Representative of the following:

(a) In accordance with article 23 of the Constitution, no-one is subject to inquiry simply for holding a certain belief in the Islamic Republic of Iran;

(b) Hidayat Kashifi Najafabadi, Sirus Dhabihi-Muqaddam and Ataollah Hamed Nasirizadeh were arrested in 1997 on charges of action against national security and spying and sentenced to death by the primary court;

(c) The Supreme Court rejected the case and sent it back to another primary court for reconsideration;

(d) The second primary court sentenced the first two persons to death and the third one to 10 years' imprisonment. The Supreme Court rejected the case because of some deficiencies and sent it back for rectification.

(For an update on the case, see main report, para. 73.)

2. A letter dated 30 March 2000 from the Permanent Representative contained the following information in response to the Special Representative's letter dated 21 June 1999 drawing the urgent attention of the Iranian authorities to the reported arrest in the Islamic Republic of Iran of 13 persons, all said to be Iranian Jews, suspected of spying for Israel:

(a) In accordance with relevant laws and regulations, accused persons enjoy the right to be defended by a lawyer of their own choice. A competent court in Shiraz had announced that no lawyer had been chosen. In the absence of any chosen lawyer, the court would ask the Bar Association to appoint a lawyer;

(b) The first hearing of the trial would begin on 13 April 2000.

3. On the same case, the Special Representative sent a second letter to the Permanent Representative on 4 April 2000. In response to this communication, the Permanent Representative, by a letter dated 4 July 2000, informed the Special Representative as follows:

> "Referring to your letter regarding the trial of a group of people (including Jews and Muslims) on charges of espionage, I would like to inform you that they were tried by the Court of Shiraz in the presence of lawyers of their own choice."

"In accordance with the relevant law, the Court acquitted five persons, due to insufficient evidence and sentenced 12 persons to imprisonment due to clear evidence and confession of the accused. The duration of detention would be included in prison terms. However, the case is still open and the accused and their lawyers have the right to appeal during 20 days after the issuance of the verdicts."

4. The Special Representative joined the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in sending an urgent letter to the Minister for Foreign Affairs concerning the case of Latif Safari, Director of the banned daily *Neshat*, and Akbar Ganji, journalist for the daily *Sobh-e-Emrooz*, imprisoned on 26 April 2000. In the letter, a joint appeal was made to the Government to ensure everyone's right to freedom of opinion and expression. No response has been received from the Government.

5. The Special Representative addressed two urgent letters to the Minister for Foreign Affairs concerning a number of Iranian citizens who were reportedly arrested and held in incommunicado detention in relation to their participation in a conference in Berlin organized by the Heinrich Boell Institute on 7 and 8 April 2000. In this regard, on 11 May 2000, he joined the Special Rapporteurs on the promotion and protection of the right to freedom of opinion and expression and on violence against women and on torture, as well as the Chairman-Rapporteur of the Working Group on Arbitrary Detention, in an urgent appeal concerning two women's activists, Mehrangiz Kar and Shahla Lahiji, and a representative of the student organization Office for Strengthening Unity, Ali Afshari. The three were subsequently released.

6. In this context, the same signatories, except for the Special Rapporteur on violence against women, sent a second urgent appeal on 30 June 2000 regarding the cases of Ezzatollah Sahabi, a 70-year-old journalist, and Khalil Rostamkhani, a translator. No response has been received from the Government. In both letters, while referring to Commission on Human Rights resolution 1999/32 with regard to incommunicado detention, the authors of the above-mentioned letters appealed to the Government to ensure that the rights of the above-named persons to physical and mental integrity, to be free from arbitrary arrest and detention and to freedom of opinion and expression be protected.

7. A letter dated 24 March 2000 from the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva contained the following information in response to the Special Representative's letter dated 13 July 1999, written in conjunction with the Special Rapporteur on the promotion of the right to freedom of opinion and expression, concerning the student demonstrators who were reportedly attacked by members of the armed forces and members of the vigilante student group in the University dormitory of Tehran University:

"Considering the students' clashes in Tehran, there is a difference between those who came to the streets because of their legitimate appeals and those who rioted. According to our information, the students did not participate in the riot. There were others who rioted in the streets when the students' sit-in ended.

"The Islamic Republic of Iran's government policy is to study and examine the above-mentioned issues. The judiciary, within the framework of its legal duties, is following it up independently.

"During the riots, 50 members of illegal groups were arrested, 30 of whom were released on bail. The cases of another 20 arrested persons, including Seyed Djavad Emami, Forough Bahmanpour and Nasiri, were referred to the Revolutionary Court.

"Criminal charges related to the law enforcement forces for entering the students' dormitory without permission in spite of the rejection of any request for entering the dormitory by officials in charge were referred to the judiciary organization of the armed forces.

"To date, most of the perpetrators of the illegal actions have been brought to justice. The trial of the 20 members of the law enforcement forces, including Brigadier-General Farhad Nazari, former Deputy Chief of Tehran's law enforcement forces, on charges of illegal entry into the dormitory and attacking the students, is under way.

"With the goal of rooting out the future possibility of any such incident, the case of any other perpetrators of illegal actions, including any person who might have planned and ordered the attack, is still open."